IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO. 5210 OF 2005

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders

Mr.R.S. Apte with Mr. M.S. Lagu for the Petitioner

CORAM : F.I. REBELLO,J.
DATED : 18th October,2005

P.C.

. The matter pertains to entries in Revenue record. The name of the father of the respondents was entered in the revenue record under Mutation Entry No.1156 which was certified on 6th March, 1969. The name of the present respondents have been taken on record as heirs of Executor A.D. Martin Alwaris by mutation entry No.147. It was the contention of the petitioners that the respondents have no right in respect of the property other than 9 survey numbers which were subject matter of Civil Suit. After considering the material on record the Revision preferred by the present petitioners has been rejected.

Entry in the revenue records is merely presumption as to possession. It is always open to a title holder to claim a higher claim to get a declaration in which event the judgment of the Civil Court will displace the entries in the revenue records. Revisional Authority while passing the order has given reasons for not allowing the Revision Application. I do not find that the order suffers from any error apparent on the face of the record. Apart from that the petitioners have a remedy at law by filing Civil Suit. The said finding is also a finding of the Civil Court. In the light of that no interference called for. Petition rejected. No order as to costs.

(F.I. REBELLO J).